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OFFICE OF PETITIONS

In re Application of	:	
Luo et al.	:	DECISION ON PETITION
Application No. 09/642,533	:	
Filed: August 18, 2000	:	
Attorney Docket No. 80632DMW	:	

This is a decision on the petition under 37 CFR 1.181, filed December 27, 2005 (certificate of mailing dated December 22, 2005), to withdraw the holding of abandonment in the above-identified application.

On October 26, 2005, the Board of Patent Appeals and Interferences rendered a decision, sustaining the rejection of the claims and entering new grounds of rejection under 37 CFR 41.50. Applicant had two months from the date of the decision of the Board to take appropriate action. On November 30, 2005, the Office mailed a Notice of Abandonment, indicating that the above-identified application was abandoned in view of the decision by the Board of Patent Appeals and Interference rendered on October 26, 2005, and because the period for seeking court review of the decision had expired and there were no allowed claims.

In the present petition, applicant asserted that the Notice of Abandonment erroneously stated that the period for seeking court review of the decision had expired. With the petition, applicant filed a Request for Continued Examination and Amendment. Applicant requested that the Office withdraw the Notice of Abandonment because applicant filed the RCE and Amendment on December 27, 2005 (certificate of mailing dated December 22, 2005) with the two-month time period.

After a further review of the record, the Office concurs with applicant that the RCE and Amendment were timely filed. Accordingly, the Office mailed the Notice of Abandonment in error. The petition to withdraw the holding of abandonment is **granted**. The application is restored to pending status in view of the fact that a response was timely filed on December 27, 2005 (certificate of mailing dated December 22, 2005).

This matter is being referred to Technology Center Art Unit 2624.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

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